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09/543,686	04/05/2000	Daryl L. Champagne	200-0090	6796

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EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/543,686

Applicant(s)

CHAMPAGNE ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

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## **DETAILED ACTION**

### **Response to Amendment**

Examiner rejected claims 1-44 in an Office Action mailed January 6, 2003.

Applicants amended claims 1, 13, 21, 26, and 38 and traversed Examiner's rejection of the remaining claims.

### **Response to Arguments**

Applicant's arguments filed on January 27, 2003 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, it would have been obvious to combine Henson's online product configuration system with the teaching of Peterson regarding item ordering and inventory management. Doing so would provide a means for a manufacturer to track component availability based on the items being ordered online, and thus increase customer satisfaction by accurately indicating item availability and delivery time. This helps to eliminate problems associated in previous generation online stores including a lack of responsiveness to customer requests (see at least Henson: col. 2, lines 48-58).

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Furthermore with respect to the previous generation on-line stores, a disadvantage was that a customer could place an order and find out only later, after the order was taken off of the on-line system, and entered into another order management system, that the customer-configured system shipment would be delayed (see at least Henson: col. 1, lines 48-63).

Applicant argues that Henson merely discloses an online store and is limited to a method for configuring a custom computer by a customer and does not include a method for processing the order after submission. Henson does disclose a method of processing an order that utilizes a smart process that includes a configurator, a cart, and a checkout. The configurator, the cart, and the checkout are within the commerce application and are prone to be driven off of a database. For example the cart includes a cart merchandising message feature, which is driven off of the database. Still further, the checkout includes a payment feature, delivery feature, personal verses business feature, and instructional exit features (see at least Henson: col. 5, lines 7-18). For all these features to be initiated the order needs to be processed first.

Below is a list of references that support the notion of workflow software per the applicant's request.

Notani et al., U.S. Patent No. 6,397,192, May 28, 2002: Claim 16 discloses software for synchronizing one or more workflows, the software embodied in a computer-readable medium

Marchak et al., U.S. Patent No. 6,138,104, October 24, 2000: The summary of the invention discloses that interest in automating business processes using computer software is growing rapidly. Computer software known as "workflow" software allows business processes to be defined as a series of sequential and

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parallel tasks, where each task describes the work to be done and defines the people or roles assigned to the task. Workflow software automates business processes by routing tasks to assigned users. When a task is started, the user assigned to complete that task is notified. When that user indicates the task is done, the next task is started, and so on.

Francis, U.S. Patent No. 5,870,717, February 9, 2000: Claim 1 discloses workflow software comprising an order manager and a purchase order workflow which takes purchase orders from one or more end user computers and controls their flow through said enterprise's business processes before transmitting them over a network to the supplier.

Applicants further argue that Henson does not provide an order confirmation message. However, applicants state that Henson's system includes "conveying a message of appreciation to the customer for his business". Examiner maintains that "conveying a message" is functionally the same as "sending a message." Furthermore, in both the immediate application and in Henson the "message" serves the same end purpose. Also in both the immediate application and in Henson the message is generated by the vendor and sent to the user.

Applicant traverse the Examiner's rejection at least because of the accusation that the Examiner simply performed a keyword search to locate the word "lead" in the text of Matoba and then uses this word to reject those portions of Claims 13-18 that happen to also include the word "lead."

Referring to claims 13-18. Henson and Peterson substantially disclose the invention, including generating lead time data, generating a lead confirmation message and displaying it to the user and storing lead data in a database, but fail to teach submitting a lead request, sending lead request data to a dealer, or processing lead status updates. Matoba discloses submitting a lead request, sending lead request data

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to a dealer, or processing lead status updates. A planner may input a command (request) to the lead-time estimating module through the data input/output unit. In response, the lead-time estimating module fetches therein the current work demand and production capacity from the data storage to estimate an updated lead-time. The result of this estimation is stored in the data storage as well (Matoba: see at least col. 4, lines 14-20).

Regarding applicant's arguments concerning Independent claim 26. The Examiner feels that the Henson-Peterson-Matoba-Green combination does disclose the aspects detailed by the claims as shown throughout the duration of this office action.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-13 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson in view of Peterson et al. (US 6,324,522), and further in view of Official Notice.**

Henson discloses a web-based online store for selling customer-configured computers, including a user interface, a web server for processing orders, and a processor for routing submitted customer orders according to customer classifications.

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Users can input product configuration parameters on a web page to create a custom order for a computer system, which is routed to an order processor via the web server. The custom order includes user-entered customer data and payment data. Customers are assigned a customer number for future reference when making purchases and easy access to their information. The online store generates a thank-you page, which confirms that an order has been placed and thanks the customer for placing an order (see at least Henson: Figures 1 and 3-7, col. 5 lines 23-27).

Henson further discloses a web-based online store for selling customer-configured computers comprising a lead date, wherein the lead data identifies the online user as a potential customer. In Henson upon identification of the customer set of a given customer, the online store operates based upon the prescribed customer set of the given customer. The presentation of the online store to each customer set will thus be different for each set. For the long lead time warning in the configurator, an option can be set in the online store to activate long lead time warnings for a given customer set. For example, home consumers are more sensitive to the fact that the home consumer may not wish to wait more than a normal lead-time. A typical advertised lead-time for the online store is on the order of one to two weeks. Such a home consumer would advantageously benefit from a long lead-time warning. For example, the home consumer can modify the order as appropriate if the lead time of the customer configured computer system is not acceptable for the customer's particular requirements (see at least Henson: col. 14, lines 35-61).

Please note that while Henson does not explicitly disclose scheduling the product described in the custom order for manufacturing, it would be obvious to one skilled in the art of manufacturing to schedule a customer's ordered computer to be built. The central object of Henson's system is to provide a computer in a timely manner to a customer, including calculating which customer-selected features would delay building and shipment of the computer and therefore cause a delay in delivery of the computer to the customer (see at least Henson: col. 6, lines 44-51 and col. 7 lines 1-21). The shipment delay indicator calculates which hardware options will require more time for the manufacturer to build and therefore will need more time scheduled in order to build. Since a manufacturing schedule is a timetable for building a product, there must be a schedule in order to calculate which options will require more build time. Therefore scheduling is an obvious component of a product ordering system operated by the product's manufacturer.

Please also note that while Henson does not explicitly disclose routing a message to a workflow manager, the use of workflow software is old and well-known in the manufacturing and business arts and it would have been obvious to modify the system and method of Henson to include the use of a workflow manager as taught by Official Notice, in order to route an order for processing.

Henson fails to provide a user selecting a dealer, routing a message to a B-to-B server, generating a unique order number, modifying inventory data in an inventory database to indicate unavailability, or generating a confirmation message. Peterson discloses an electronic item distribution and inventory control system that teaches a



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plurality of vendors listed by region that can be selected by a customer to place an order. The system creates an order number for each order and generates different confirmation messages regarding the order; depending on what action the user takes, such as editing and canceling orders or quotes. Submitted purchase orders are transmitted in real time to a vendor's inventory control database for processing and updating of the vendor's inventory (see at least Fig 1, Fig 2, and col.32, lines 32-39). It would have been obvious to combine Henson's online product configuration system with the teaching of Peterson regarding item ordering and inventory management. Doing so would provide a means for a manufacturer to track component availability based on the items being ordered online, and thus increase customer satisfaction by accurately indicating item availability and delivery time.

Henson further fails to provide a customer order that is cancelable until the custom order is scheduled for manufacturing. Peterson discloses an electronic item distribution and inventory control system that teaches a method where a requisition that was previously placed on the information network can be deleted and edited up to the point when the requisition is converted into an order by the Approve Requisition function. In essence the customer's order is cancelable until the custom order goes through the final stage of approval whereby the custom order is scheduled for manufacturing (see at least Peterson: col. 39, line 10 to col. 41, line 38). The Requisition Status function lets the user review requisitions that the user has previously placed on the information network. When a requisition is created, it does not get sent to the vendor until it is converted into an order by the Approve Requisition function

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discussed with respect to Fig. 14. It is contemplated that in some embodiments, the requisition could be converted either into an order, or into a quote. The user can review the line item details of any requisition listed. All requisitions can be viewed, edited, or deleted (see at least Peterson: col. 39, lines 10-19)

It would have been obvious to combine Henson's online product configuration system with the teaching of Peterson regarding item ordering and inventory management. Doing so would provide a means for a manufacturer to eliminate problems associated in previous generation online stores including a lack of responsiveness to customer requests (see at least Henson: col. 2, lines 48-58).

**Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson in view of Peterson, and further in view of Matoba et al. (US 5,231,267).**

Henson and Peterson substantially disclose the invention, including generating lead time data, generating a lead confirmation message and displaying it to the user and storing lead data in a database, but fail to teach submitting a lead request, sending lead request data to a dealer, or processing lead status updates. Matoba discloses a manufacturing planning system that includes an online lead-time estimating function for calculating lead-time based on product specifications and work demand. For example, a manufacturer's production schedule and product completion date can be adjusted with input from a material requirements planning module, a work demand calculating module and a production capacity adjusting module, giving users a means to receive accurate

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updated completion dates for a given product (see at least Matoba: col. 4, lines 14-20, col. 9, lines 5 - 15, col. 12, lines 11-53 and col. 13, lines 14-35). It would have been obvious to combine Henson's online product configuration system and Peterson's item ordering and inventory management system with the teaching of Matoba regarding lead updates. Doing so would allow a manufacturer to calculate and store lead status updates in a database and allow users to access the results online in order to keep the customer informed of any delays in delivering a custom system, thereby increasing customer satisfaction.

**Claims 25 - 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson in view of Peterson and Matoba, and further in view of Green et al. (US 6,041,310).**

Henson, Peterson and Matoba substantially disclose the invention but fail to teach a site for ordering a vehicle having a specific configuration. Green discloses an online system for collecting customer requirements for a vehicle such as make, model, year, color, engine and transmission, and listing all available vehicles in a dealer's inventory that match the inputted requirements. The system allows a dealer to track inventory accurately and add or remove vehicles based on availability (see at least Green: Figures 7, 8, 9, 12A and col. 8, line 16 to col. 10 line 60). It would have been obvious to combine the systems of Henson, Peterson and Matoba with the teaching of Green regarding a vehicle sales facilitation system. Doing so would allow customers to custom configure and order a vehicle over the Internet in the same way that other complex items such as computers are ordered, edit orders online and track item

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delivery, increasing sales for auto manufacturers and making car buying easier for customers.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


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MSG

February 5, 2003

  
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